

REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Initially, applicant notes that reference "R" on form 1449 was not initialed by the Examiner. Applicant requests a fully initialed 1449 confirming that the Examiner has considered all of the references. In addition, copies of the references cited on form 892 were not included with the Office action. In the future, applicant would appreciate receiving copies of all cited references.

The examiner objects to references within the disclosure to the claims. The specification has been amended to address the Examiner's objection. No new matter has been added to the specification by these amendments.

Claims 1-2 were rejected under 35 U.S.C. §102 as being anticipated by Leysieffer *et al.* (U.S. 6,128,392). For the following reasons, the rejection is respectfully traversed.

Claim 1 recites a process for communication between an individual and a hearing aid in which "time-limited electrical audio signals (Q) are fed to an electromechanical output transducer (5) of the hearing aid" (lines 1-2) wherein "at least some of the time-limited audio signals (Q) are user-defined" (line 4). Leysieffer does not suggest user-defined time-limited audio signals.

~~The Office action refers to Figs. 5-6, col. 1 lines 7-27, columns 3-4, and column 7 as teaching time-oriented electrical signals and as also teaching that a user can control certain parameter of the hearing aid via a control device.~~

However, the cited sections do not teach the user-defined time-limited audio signals of claim 1. Specifically, Leysieffer merely teaches that a user of the hearing aid may, "via his control device, change[] the gain or another parameter which influences signal path 5, 6, 7, 8, 1, 2" (col. 7, lines 20-23). This phrase does not suggest user defined, time-limited audio signals. Thus, because this specific

limitation is not taught by the reference, claim 1 is patentable over the reference.

Claim 2, being dependent on claim 1, is patentable for the same reasons, as well as for the limitations contained therein.

Claims 3-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Leysieffer *et al.* (U.S. 6,128,392) in view of Anderson (U.S. 5,721,783) or Krokstad *et al.* (U.S. 5,276,739) or Mansgold (U.S. 4,425,481). Claims 7-13 have been canceled, and thus the rejection is moot with respect to those claims. The rejection of claims 3-6 is respectfully traversed for the following reasons:

Claims 3-6 depend, directly or indirectly, on claim 1, and thus are patentable over Leysieffer for the same reasons as claim 1, and for the limitations contained therein. None of the Anderson, Krokstad, and Mansgold references overcome the shortcomings of Leysieffer identified above, and thus claims 3-6 are also patentable over the combination of these references.

Further, claim 3 recites time-limited audio signals (Q) which are "stored on user-changeable memory elements (20)", and/or are "filed user-defined in a memory unit (9a, 11b), which is built into the hearing aid (9a)" and/or has "user-defined location information in the hearing aid for the audio signals". None of the references suggest any of these limitations, and thus claim 3 is patentable over each of them and over the combination.

Claim 4 recites "time-limited electric audio signals" at least some of which are "produced so that the results of the conversion are audible by an individual at a distance". None of the references suggest a signal audible by an individual at a distance, as claimed. Accordingly, the claim is patentable over the references, even if combined.

Claim 5 recites that "the user definition of the time-limited electric audio signals is menu-driven by a communications unit (15) that can be connected to the hearing aid by wireless connection". The references do not suggest this element of claim 5.

Anderson merely teaches a wireless link to a remote processing unit for

performing remote processing (see col. 4, lines 1-5) and for allowing limited user functions, such as volume control (col. 5, lines 22-25). There is no suggestion of a menu-driven communications unit, as claimed. None of the other references suggest this element of claim 5. Accordingly, claim 5 is patentable over the references even if combined.

New claim 14 recites a "method for establishing communication between a hearing device for listening to first audio signals and an individual carrying said device" with the device having "an electrical/mechanical output converter" with the method "applying to said output converter at least one second electrical signal representing at least one second audio signal of predetermined duration" with "said second audio signal being selectable by said individual".

New claim 26 recites a hearing device system with at least one hearing device having "a generator unit the output of which is also operationally connected to said input of said converter, said generator unit including a user exchangeable storage with at least one audio signal".

New claim 27 recites a hearing device system comprising at least one hearing device having a "user writable read/write storage unit" and a "generator unit including a user writable read/write storage unit with signals representing audio signals and for storing signals according to user defined audio signal sequences of predetermined extent"

None of the references suggest a "second audio signal being selectable by" an individual, as recited in new claim 14. Further, none of the cited references suggest a "user exchangeable storage" as recited in claim 26. Finally, none of the references suggest a "user writable read/write storage unit" and a "user defined audio signal sequences of a predetermined extent", as claimed in claim 27.

The Office actions states that Leysieffer teaches user control of some hearing aid parameters, Anderson teaches a hearing aid that can be user controlled by voice recognition or by a display interface or wireless interface, Krokstadt teaches a hearing aid that can be controlled by a user through an interface, and finally Mansgold teaches a hearing aid device which can be controlled based on pre-stored programmed parameters. Even if true, none of these references suggest the specific

user control capabilities as claimed in claims 14, 26, or 27 and recited above. It is not enough to show user control capability to support the rejection. Each limitation of each claim must be taught by the references to support a rejection, but the cited user controlled limitations are not taught by any of the references.

Accordingly, claims 14, 26, and 27 are patentable over the references. Claims 15-25, being directly or indirectly dependent on claim 14, are thus patentable over the references for the same reason as claim 14, and for the limitations contained therein. Claims 28-35, being directly or indirectly dependent on claim 27, are patentable for the same reasons and for the limitations contained therein.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33270.

Respectfully submitted,

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Marked-up Amendments

IN THE SPECIFICATION:

Please amend the first paragraph on page 1 of the specification as follows:

This invention concerns ~~the~~ a process for communication between a hearing aid and an individual ~~in the preamble to Claim 1~~ and ~~the~~ a hearing aid system with at least one hearing aid ~~in the preamble to Claim 7~~. These types of processes and hearing-aid systems are known. Thus, for example, it is known how to acknowledge manual input on a therapeutic hearing aid, especially an outside hearing aid, as for example with toggle switches, by means of synthesized beep signals, which are fed to the electromechanical output transducer of the hearing aid as electrical audio signals.

Please amend the third paragraph on page 1 of the specification as follows:

This is done ~~by the features in Claim 1~~, so that at least some of the time-limited audio signals are user-defined. Thus, now it is possible for each user--whether he/she is a user of a therapeutic hearing aid or a hearing aid from entertainment technology, like a headset, for example, with the required characteristics—to be able to choose the audio signals with which events are displayed or acknowledged on the hearing aid himself or herself.

IN THE CLAIMS:

3. (twice amended) The process ~~in one of Claims 1 or 2~~, characterized by the fact that at least some of the time-limited audio signals (Q)

- are stored on user-changeable memory elements (20) for the hearing aid, preferably read-only, and or
- are filed user-defined in a memory unit (9a, 11b), which is built into the hearing aid (9a) and has or can be brought into a working connection with it, and/or
- user-defined location information in the hearing aid for the audio signals mentioned is filed on an audio signal carrier and the audio signals can be called up selectively from the carrier via that information.

4. (twice amended) The process ~~in one~~ of Claims 1 ~~to~~ 2, characterized by the fact that the electromechanical output transducer is a loudspeaker and at least some of the time-limited electric audio signals (Q) are produced so that the results of the conversion are audible by an individual at a distance.

5. (twice amended) The process ~~in one~~ of Claims 1 ~~to~~ 2, characterized by the fact that the user definition of the time-limited electric audio signals is menu-driven by a communications unit (15) that can be connected to the hearing aid by wireless connection.